

# Order

Michigan Supreme Court  
Lansing, Michigan

December 5, 2007

Clifford W. Taylor,  
Chief Justice

134914

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellant,

v

SC: 134914  
COA: 264176  
Oakland CC: 2004-197437-FC

LANCE ALLEN SCHMITT,  
Defendant-Appellee.

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On order of the Court, the application for leave to appeal the July 31, 2007 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REVERSE the judgment of the Court of Appeals for the reasons stated in the Court of Appeals dissenting opinion, and we REMAND this case to the Court of Appeals for consideration of the defendant's remaining issues.

CAVANAGH and KELLY, JJ., would deny leave to appeal.



p1128

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

December 5, 2007

*Corbin R. Davis*

Clerk